

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
v.	)	CAUSE NO.: 2:07-CR-118-RL
	)	
JESSE DESHAZER,	)	
Defendant.	)	

**FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE  
UPON A PLEA OF GUILTY BY DEFENDANT JESSE DESHAZER**

TO: THE HONORABLE RUDY LOZANO, JUDGE,  
UNITED STATES DISTRICT COURT

Upon Defendant Jesse Deshazer's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came for hearing before Magistrate Judge Paul R. Cherry, on December 3, 2007, with the consent of Defendant Jesse Deshazer, counsel for Defendant Jesse Deshazer, and counsel for the United States of America.

The hearing on Defendant Jesse Deshazer's plea of guilty was in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge in open court and on the record.

In consideration of that hearing and the statements made by Defendant Jesse Deshazer under oath on the record and in the presence of counsel, the remarks of the Assistant United States Attorney and of counsel for Defendant Jesse Deshazer,

I FIND as follows:

(1) that Defendant Jesse Deshazer understands the nature of the charges against him to which the plea is offered;

(2) that Defendant Jesse Deshazer understands his right to trial by jury, to persist in his plea

of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and his right against compelled self-incrimination;

(3) that Defendant Jesse Deshazer understands what the maximum possible sentences are, including the effect of the supervised release terms, and Defendant Jesse Deshazer understands that the sentencing guidelines apply and that the Court may depart from those guidelines under some circumstances;

(4) that the plea of guilty by Defendant Jesse Deshazer has been knowingly and voluntarily made and is not the result of force or threats or of promises;

(5) that Defendant Jesse Deshazer is competent to plead guilty;

(6) that Defendant Jesse Deshazer understands that his answers may later be used against him in a prosecution for perjury or false statement;

(7) that there is a factual basis for Defendant Jesse Deshazer's plea; and further,

I RECOMMEND that the Court accept Jesse Deshazer's plea of guilty to the offenses charged in Counts 1, 2, 3, and 7 of the Indictment and that Defendant Jesse Deshazer be adjudged guilty of the offenses charged in Counts 1, 2, 3, and 7 of the Indictment and have sentence imposed. A Presentence Report has been ordered. Should this Report and Recommendation be accepted and Defendant Jesse Deshazer adjudged guilty, sentencing has been scheduled for **February 22, 2008, at 12:30 p.m.** in the Hammond Division, before Judge Rudy Lozano. Defendant Jesse Deshazer is **ORDERED** to be present in person at sentencing. Objections to the Findings and Recommendation are waived unless filed and served within ten (10) days. 28 U.S.C. § 636(b)(1)(B).

So ORDERED this 3rd day of December, 2007.

s/ Paul R. Cherry  
MAGISTRATE JUDGE PAUL R. CHERRY  
UNITED STATES DISTRICT COURT

cc: All counsel of record  
Honorable Rudy Lozano